

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

MICHAEL REEVES,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 13-cv-01171-JPG-PMF
	)	
RICK HARRINGTON, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This matter comes before the court on the Report and Recommendation (“R & R”) (Doc. 156) of Magistrate Judge Philip M. Frazier with regard to Defendant Dr. Shearing’s Motion (Doc. 139) Motion for Summary and Defendant Richard Harrington’s Motion (Doc. 155) for Sanctions. Neither party has filed an objection to the R & R.

The Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in a report and recommendation. Fed. R. Civ. P. 72(b)(3). The Court must review *de novo* the portions of the report to which objections are made. The Court has discretion to conduct a new hearing and may consider the record before the magistrate judge anew or receive any further evidence deemed necessary. *Id.* “If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error.” *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

The Court has not received an objection to the Report and Recommendation. Although dismissal is a serve sanction for discovery violations, the Court has considered whether other lesser sanctions would be appropriate and finds that under these circumstances, dismissal of Plaintiff’s claims against Defendant Harrington is an appropriate sanction.

The Court has reviewed the entire file and finds that the R & R is not clearly erroneous. Accordingly, the Court hereby **ADOPTS** the Report in its entirety (Doc. 156) and **GRANTS** Defendant Dr. Shearing’s Motion (Doc. 139) Motion for Summary and Defendant Richard Harrington’s Motion

(Doc. 155) for Sanctions. Defendants Dr. Shearing and Richard Harrington are **DISMISSED** without prejudice. As there are no remaining defendants, this matter this matter is **DISMISSED** without prejudice. The Clerk of Court is **DIRECTED** to enter judgment accordingly.

**IT IS SO ORDERED.**

**DATED:** 9/24/2015

*s/J. Phil Gilbert*  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**